

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GATEGUARD, INC.,

Plaintiff,

-against-

MVI SYSTEMS LLC, et al.,

Defendants.

19cv02472 (RA) (DF)

**SCHEDULING ORDER**

**DEBRA FREEMAN, United States Magistrate Judge:**

This case having been referred to this Court for general pretrial supervision; and this Court having held a case management conference with counsel for all parties on August 4, 2020; and, at that conference, this Court having granted Plaintiff leave to file its Third Amended Complaint and having denied the motion of defendants MVI Systems LLC and Samuel Taub for a partial stay of discovery (*see* Dkts. 100, 101, 102); and this Court having further directed the parties to submit a jointly proposed schedule for the re-submission of any motions to dismiss, as well as a proposed modified schedule for the completion of discovery (*see* Dkts. 100, 107); and the parties having apparently reached agreement as to most aspects of a proposed modified schedule, but having been unable to agree on a proposal for a deadline for any further motions to amend the pleadings (*see* Dkt. 109); and this Court having reviewed and considered the parties' positions on this issue, as well as their joint proposals; it is hereby ORDERED as follows:

1. Defendants' anticipated motions to dismiss the Third Amended Complaint shall be filed no later than October 9, 2020. Plaintiff's opposition shall be filed no later than November 6, 2020. Defendants' replies shall be filed no later than November 25, 2020.

2. The deadline for the completion of all fact discovery is extended to February 5, 2021 or within 60 days after the Court renders a decision on Defendants' motions to dismiss the Third Amended Complaint, whichever date is later.

3. Upon review of the Docket, this Court notes that Judge Abrams originally set a deadline of June 15, 2020 for both the completion of fact discovery and any amendments to the pleadings. At this point, taking into account that prior Order, as well as the fact that the parties have already engaged, and will continue to engage, in discovery; that Plaintiff has already been granted leave to amend its Complaint for a third time (over Defendants' objection); and that Defendants have not yet filed an initial Answer to the Third Amended Complaint:

a. Plaintiff shall not amend its pleading further or join additional parties, except (i) with Defendants' consent or (ii) with leave of Court, upon a showing of good cause; and

b. Defendants may have 21 days after serving their Answers to the Third Amended Complaint to amend those pleadings, *see* Fed. R. Civ. P. 15(a)(1)(A), but, thereafter, any motion to amend by any defendant shall only be made (i) with Plaintiff's consent or (ii) with leave of Court, upon a showing of good cause.

4. The deadline for service of Requests to Admit is extended to January 5, 2021.

5. The deadline for the completion of all expert discovery is extended to May 5, 2021.

6. The parties may stipulate to modify interim deadlines in this Scheduling Order, without seeking prior leave of Court.

7. The parties are directed to submit a joint status report to this Court no later than November 30, 2020, regarding both the progress of discovery and the potential for settlement of this action.

8. In light of the schedule set out herein, the Clerk of Court is directed to close Dkt. 109 on the Docket of this action.

Dated: New York, New York  
September 25, 2020

SO ORDERED

A handwritten signature in blue ink, appearing to read "Debra Freeman", is written over a horizontal line.

DEBRA FREEMAN  
United States Magistrate Judge

Copies to:

All counsel (via ECF)